

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Ariana Thomas	Team: Squad #16	CCRB Case #: 202201108	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Friday, 02/18/2022 11:38 PM, Friday, 02/18/2022 11:51 PM	Location of Incident: Union Avenue and Broadway; 90th Precinct Stationhouse	Precinct: 90	18 Mo. SOL 8/18/2023	EO SOL 8/18/2023	
Date/Time CV Reported Sat, 02/19/2022 3:11 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Sat, 02/19/2022 3:11 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. PO Karl Thomas	23368	962838	090 PCT
2. PO Robert Bonilla	14552	965954	090 PCT
3. SGT Ramil Casimir	05184	950170	090 PCT
4. PO Piotr Trusewicz	27088	967369	090 PCT
5. PO Keoto Peterson	28884	967253	090 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Michael Lack	04918	938803	090 PCT
2. PO Michael Galindez	27659	945744	090 PCT
3. PO Brian Pfennig	11185	947345	090 PCT
4. PO Eric Chau	00197	961684	090 PCT
5. PO Jonathan Baez	02411	965942	090 PCT
6. PO Cecely Beniquez	12351	960232	090 PCT
7. PO Mark Hunter	28095	944085	090 PCT
8. PO Richard Hunter	18602	958714	090 PCT

Officer(s)	Allegation	Investigator Recommendation
A. PO Karl Thomas	Force: At Union Avenue and Broadway in Brooklyn, Police Officer Karl Thomas used physical force against § 87(2)(b)	
B. PO Karl Thomas	Abuse: At Union Avenue and Broadway in Brooklyn, Police Officer Karl Thomas searched § 87(2)(b)	
C. SGT Ramil Casimir	Abuse: At Union Avenue and Broadway in Brooklyn, Sergeant Ramil Casimir frisked § 87(2)(b)	
D. SGT Ramil Casimir	Abuse: At Union Avenue and Broadway in Brooklyn, Sergeant Ramil Casimir searched § 87(2)(b)	

Officer(s)	Allegation	Investigator Recommendation
E.SGT Ramil Casimir	Force: At Union Avenue and Broadway in Brooklyn, Sergeant Ramil Casimir used physical force against § 87(2)(b)	
F.PO Karl Thomas	Force: At Union Avenue and Broadway in Brooklyn, Police Officer Karl Thomas used physical force against § 87(2)(b)	
G.PO Robert Bonilla	Force: At Union Avenue and Broadway in Brooklyn, Police Officer Robert Bonilla used physical force against § 87(2)(b)	
H.PO Piotr Trusewicz	Force: At the 90th Precinct stationhouse, Police Officer Piotr Trusewicz used physical force against § 87(2)(b)	
I.PO Keoto Peterson	Force: At the 90th Precinct stationhouse, Police Officer Keoto Peterson used physical force against § 87(2)(b)	
J.PO Piotr Trusewicz	Force: At the 90th Precinct stationhouse, Police Officer Piotr Trusewicz used physical force against § 87(2)(b)	
K.PO Keoto Peterson	Force: At the 90th Precinct stationhouse, Police Officer Keoto Peterson used physical force against § 87(2)(b)	
L.PO Piotr Trusewicz	Force: At the 90th Precinct stationhouse, Police Officer Piotr Trusewicz used physical force against § 87(2)(b)	
M.SGT Ramil Casimir	Abuse: At the 90th Precinct stationhouse, Sergeant Ramil Casimir refused to show the arrest warrant to § 87(2)(b)	
§ 87(4-b) § 87(2)(g)		
§ 87(4-b) § 87(2)(g)		
§ 87(4-b) § 87(2)(g)		

Case Summary

On February 19, 2022, § 87(2)(b) filed this complaint via the CCRB's call processing system.

On February 18, 2022, at approximately 11:38 pm, § 87(2)(b) was driving his vehicle in the vicinity of Union Avenue and Broadway in Brooklyn when Sergeant Ramil Casimir, of the 90th Precinct, stopped his vehicle for disobeying pavement markings. Sgt. Casimir ordered § 87(2)(b) to exit his vehicle and Police Officer Karl Thomas, of the 90th Precinct, allegedly pulled him out of the vehicle (**Allegation A: Force**, § 87(2)(g)). PO Thomas searched § 87(2)(b) and Sgt. Casimir frisked and searched him (**Allegations B-D: Abuse of Authority**, § 87(2)(g)). Sgt. Casimir and PO Thomas pushed § 87(2)(b) against his vehicle as they handcuffed him (**Allegations E-F: Force**, § 87(2)(g)). Police Officer Robert Bonilla, of the 90th Precinct, allegedly pushed § 87(2)(b) inside a police vehicle (**Allegation G: Force**, § 87(2)(g)). At the 90th Precinct stationhouse, Police Officer Piotr Trusewicz and Police Officer Keoto Peterson, of the 90th Precinct, allegedly dragged § 87(2)(b) into the holding cell room and pushed him against a wall (**Allegations H-I: Force**, § 87(2)(g); **Allegations J-K**: § 87(2)(g)). PO Trusewicz allegedly hit § 87(2)(b)'s leg (**Allegation L: Force**, § 87(2)(g)). Sgt. Casimir allegedly refused to show § 87(2)(b) his arrest warrant (**Allegation M: Abuse of Authority**, § 87(2)(g)). § 87(4-b) § 87(2)(g)

§ 87(2)(b) was issued a summons for § 87(2)(b) (**Board Review 24**) and he was arrested on § 87(2)(b). [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

This case was originally assigned to former Investigator Jung and upon her departure from the agency was reassigned to Investigator Thomas on November 15, 2022.

Body-worn camera ("BWC") footage (**Board Review 01-15**) and stationhouse footage from the 90th Precinct (**Board Review 16-22**) was obtained from the NYPD Legal Bureau. Cell phone video, taken by § 87(2)(b) was provided to the CCRB via email and is consistent with the BWC footage (**Board Review 23**). There is no other video evidence in this case.

Findings and Recommendations

Allegation (A) Force: At Union Avenue and Broadway in Brooklyn, Police Officer Karl Thomas used physical force against § 87(2)(b)

Allegation (B) Abuse of Authority: At Union Avenue and Broadway in Brooklyn, Police Officer Karl Thomas searched § 87(2)(b)

Allegation (C) Abuse of Authority: At Union Avenue and Broadway in Brooklyn, Sergeant Ramil Casimir searched § 87(2)(b)

Allegation (D) Abuse of Authority: At Union Avenue and Broadway in Brooklyn, Sergeant Ramil Casimir frisked § 87(2)(b)

§ 87(2)(b) testified that he was driving his vehicle southbound on Broadway, when he stopped at a red light on the intersection of Union Avenue and Broadway in Brooklyn (**Board Review 27**).

§ 87(2)(b)'s wife, § 87(2)(b) was seated in the front passenger's seat, while § 87(2)(b) daughter, § 87(2)(b) and § 87(2)(b)'s boyfriend, § 87(2)(b) were seated in the back seat. § 87(2)(b) stopped his vehicle behind the stop line and did not disobey any traffic laws. Once the light changed, § 87(2)(b) made a left turn onto Broadway going eastbound, as an unmarked police vehicle followed behind and engaged its sirens. § 87(2)(b) pulled his vehicle over and Sgt. Casimir, PO Bonilla, identified via the investigation,

and PO Thomas exited their police vehicle. PO Bonilla and PO Thomas approached the driver's side of the vehicle while Sgt. Casimir approached the front passenger's side. PO Thomas ordered § 87(2)(b) to produce his license and registration, which he provided. § 87(2)(b) asked the officers why they stopped him, and Sgt. Casimir said he had blocked the crosswalk on Union Avenue and Broadway by stopping in the middle of it. § 87(2)(b) told the officers that he did not do that. The officers proceeded to run his name. Sgt. Casimir then asked § 87(2)(b) to step out of the vehicle and § 87(2)(b) asked why. PO Thomas told § 87(2)(b) that he knew what it was for. § 87(2)(b) stated that he did not know what this was for and started to record the interaction on his cellphone. PO Thomas pulled § 87(2)(b) out of the vehicle and told him that there was a warrant for his arrest for § 87(2)(b) on March 17, 2010. However, § 87(2)(b) had already been arrested several times after March 17, 2010, and believed that there should not have been anymore warrants for his arrest. The officers then patted down § 87(2)(b)'s hoodie and sweatpants. § 87(2)(b) informed the officers that he had a pocketknife for work. The officers put their hands inside § 87(2)(b) pocket as his knife was clipped to this pocket. The officers then put their hands inside § 87(2)(b) sweatpants' pockets and squeezed them. § 87(2)(b) was arrested and later released with a summons for the violation (**Board Review 24**).

PO Bonilla's BWC is generally consistent with § 87(2)(b)'s statement regarding the initial conversation once the officers stopped his vehicle. Between 01:18 and 4:26 of PO Bonilla's BWC (**Board Review 01**) captures PO Thomas standing at the driver's door and informing § 87(2)(b) of why he stopped his vehicle. After obtaining his ID, at 04:26, PO Thomas repeatedly orders § 87(2)(b) to step out of his vehicle and says that he has a warrant for his arrest. At 04:48, § 87(2)(b) on his own, exits the vehicle and asks what the warrant is for.

What follows is more clearly captured on BWC footage for PO Thomas (**Board Review 02**), where at 04:48, PO Thomas pulls § 87(2)(b)'s jacket to the right, exposing § 87(2)(b)'s sweatshirt, which has a knife clipped to the front pocket. Sgt. Casimir says that § 87(2)(b) has a knife. § 87(2)(b) says that he has the knife for work. At 04:53, Sgt. Casimir removes the knife from § 87(2)(b)'s pocket, lifts his sweatshirt, such that § 87(2)(b)'s stomach is exposed and pats down his jacket and pants' pockets.

§ 87(2)(b) and § 87(2)(b) provided consistent statements with each other and § 87(2)(b) (**Board Review 28-30**). They testified that they remained in § 87(2)(b)'s vehicle as the officers arrested § 87(2)(b).

Sgt. Casimir § 87(2)(g) He testified that he observed § 87(2)(b) parking past the crosswalk at a red light on Union Avenue and Broadway, which is a traffic infraction. It was a mutual decision between Sgt. Casimir and PO Thomas to stop § 87(2)(b)'s vehicle. PO Thomas ran § 87(2)(b)'s license and informed Sgt. Casimir that there was a warrant for § 87(2)(b) arrest. Sgt. Casimir did not recall any specific information about the warrant, including what it was for. After numerous verbal orders to do so, § 87(2)(b) exited his vehicle. Sgt. Casimir removed a knife that was clipped to his pocket. Sgt. Casimir searched § 87(2)(b) incident to a lawful arrest. Later, at the stationhouse, Sgt. Casimir received more information regarding the warrant, though he did not recall this information at the time of his CCRB interview. When presented with the warrant report (**Board Review 32**), Sgt. Casimir's memory of § 87(2)(b)'s warrant was not refreshed. He had no knowledge of § 87(2)(b)'s warrant being cancelled. Sgt. Casimir stated § 87(2)(b) was arrested for the active warrant, which would be documented in the command log. When presented with the command log (**Board Review 33**) (Page 16), Sgt. Casimir explained that the warrant was from Manhattan, which is why § 87(2)(b) was taken to Manhattan Central Booking, "MCB."

Sgt. Casimir did not recall what the “W” in the right margins side was for. Due to clerical error, Sgt. Casimir did not write down what § 87(2)(b) was charged with.

PO Thomas § 87(2)(g)

§ 87(2)(b) He testified that he observed § 87(2)(b)'s vehicle blocking a crosswalk on Union Avenue and Broadway in Brooklyn. § 87(2)(b)'s vehicle was solely stopped for the traffic violation. After the vehicle stop was initiated, one of the officers, though PO Thomas did not recall who, ran § 87(2)(b)'s license on their department phone, which revealed that he had an active warrant. PO Thomas explained that solely active warrants appear. If a warrant is closed, it would not appear. PO Thomas did not recall what the date of § 87(2)(b)'s warrant was, what the warrant was for, nor what borough the warrant was from. PO Thomas subsequently searched § 87(2)(b) after he was placed under arrest to ensure that he did not have any weapons. PO Thomas believed he searched § 87(2)(b)'s pockets. § 87(2)(b) was placed under arrest solely for the warrant, not for the traffic violation. Typically, officers print the warrant out and send the civilian to the courthouse with the warrant in hand. Officers do not need to process the arrest with new charges, so no arrest report needs to be generated. When presented with the warrant report (**Board Review 32**), PO Thomas did not know if any of the warrants were the one that the officers arrested § 87(2)(b) for, and it did not refresh his recollection of which borough the warrant was from. No one would be able to be brought to the stationhouse for a cancelled warrant because the physical warrant would not be able to be obtained. If § 87(2)(b)'s warrant was cancelled, Sgt. Casimir would not have been able to print and show § 87(2)(b) a copy of his warrant, as he did on BWC footage (analyzed below).

The 90th Precinct Command Log (**Board Review 33**) (Page 16), notes § 87(2)(b)'s arrest. However, the “charges” field is empty. In the left margin, a note reads, “To MCB.”

PO Bonilla conducted a warrant check for § 87(2)(b) at the time of his arrest (**Board Review 44**, page 4).

A warrant for § 87(2)(b) from May 14, 2010, was active at the time of his arrest, but could not be printed because the warrant was cancelled following § 87(2)(b)'s arrest (**Board Review 44**, page 2).

§ 87(2)(g)

Officers may arrest a civilian with a warrant addressed to an officer or to the NYPD, with a warrant issued by New York Criminal Court, district court, or superior court judge sitting on a lower criminal court. NYPD Patrol Guide, Procedure 208-01 (**Board Review 37**).

After an arrest has been effected and a prisoner has been handcuffed, officers are to immediately field search/frisk the prisoner. NYPD Patrol Guide, Procedure 208-03 (**Board Review 38**).

§ 87(2)(g)

Allegation (E) Force: At Union Avenue and Broadway in Brooklyn, Sergeant Ramil Casimir used physical force against § 87(2)(b)

Allegation (F) Force: At Union Avenue and Broadway in Brooklyn, Police Officer Karl Thomas used physical force against § 87(2)(b)

Allegation (G) Force: At Union Avenue and Broadway in Brooklyn, Police Officer Robert Bonilla used physical force against § 87(2)(b)

§ 87(2)(b) testified that after he exited his vehicle, PO Thomas and Sgt. Casimir pushed him into his vehicle. Sgt. Casimir told § 87(2)(b) that he was resisting even though he was not moving. § 87(2)(b) continued to ask about the warrant. Sgt. Casimir held § 87(2)(b)'s right arm, as PO Thomas forced his left arm towards his right arm to handcuff him. The officers told him to stop resisting and twisted his arm. § 87(2)(b) told them that he was not resisting and that they placed the handcuffs on him very tightly. § 87(2)(b) had a fracture from a prior incident that left him with a broken wrist. The way the officers forced § 87(2)(b)'s hands into the handcuffs left him with bruises and marks around his wrists for three days. § 87(2)(b) asked the officers to loosen the handcuffs and that he would not move until they did so. PO Bonilla loosened the handcuffs. Officers walked § 87(2)(b) to the door of a police vehicle, and PO Bonilla grabbed § 87(2)(b)'s right arm and pushed him into the police vehicle as § 87(2)(b) was turning around to sit inside. § 87(2)(b) was then transported to the 90th Precinct stationhouse.

In BWC for PO Bonilla (**Board Review 01**), at 05:07, § 87(2)(b) keeps his arms raised at his sides, as he turns away from the officers, such that he faces his vehicle. At 05:12, PO Thomas pulls § 87(2)(b)'s arms behind his back. § 87(2)(b) asks what the warrant is for, as he leans his body towards the left, as PO Thomas attempts to attach handcuffs to his wrists. At 05:17, PO Thomas and Sgt. Casimir hold onto § 87(2)(b)'s arms as he leans back towards the officers, such that he and the officers move further into the street. At 05:20, the officers push § 87(2)(b) forward slightly, such that his torso makes contact with his vehicle. At 05:22, PO Bonilla turns around and grabs PO Thomas' BWC off the ground. At 05:28, PO Thomas and Sgt. Casimir handcuff § 87(2)(b) as § 87(2)(b) says he is not resisting. PO Thomas tells § 87(2)(b) that he is pulling away. § 87(2)(b) denies that he is and asks what the warrant is for. At 05:43, the officers maintain their grip on § 87(2)(b)'s arms, as he complains that the officers are pushing him. § 87(2)(b) asks that the officers loosen his handcuffs. PO Thomas tells § 87(2)(b) that the officers will loosen his handcuffs. At 07:10, § 87(2)(b) continues to ask what the warrant is for. The officers tell him that they will show him at the stationhouse. At 07:55, § 87(2)(b) says he is not moving until the officers loosen his handcuffs. At 08:40, the officers loosen § 87(2)(b)'s handcuffs. At 08:49, the officers walk § 87(2)(b) to the police vehicle. At 09:10, PO Bonilla opens the police vehicle's door. At 09:54, § 87(2)(b) enters the back of the police vehicle on his own. Throughout the footage, multiple vehicles are visible driving on Broadway past the scene of the vehicle stop.

§ 87(2)(b) and § 87(2)(b) statements were consistent with § 87(2)(b)'s testimony.

Sgt. Casimir § 87(2)(g) testified that as he and PO Thomas attempted to handcuff § 87(2)(b) there was a brief minor struggle. § 87(2)(b) was tensing his upper torso and not voluntarily putting his hands behind his back. Sgt. Casimir and PO Thomas had to take § 87(2)(b) hands and forcibly put them behind his back because he was tensed up. Sgt. Casimir pushed § 87(2)(b) who was tensing his upper torso, against the vehicle as he tried to handcuff him to gain compliance. By pushing § 87(2)(b) against the vehicle, Sgt. Casimir was able to keep § 87(2)(b) fixed against an object where the

officers could more easily place his hands behind his back. § 87(2)(b) subsequently complied.

PO Thomas' statement was generally consistent with the BWC footage and Sgt. Casimir's statement regarding how § 87(2)(b) tensed up as they tried to handcuff him. Additionally, § 87(2)(b) kept pulling his arms away from PO Thomas and towards the front of his body. PO Thomas repeatedly told § 87(2)(b) to stop pulling away from him and § 87(2)(b) refused to comply with his orders. When asked if he ever pushed § 87(2)(b) PO Thomas said he held § 87(2)(b) in place to keep him from pulling away. PO Thomas never saw Sgt. Casimir push § 87(2)(b). The officers were eventually able to get him in handcuffs and he was removed to the 90th Precinct stationhouse. The officers asked § 87(2)(b) if he was okay with his wife taking his vehicle from the scene. He said he was, so his wife took the vehicle. When presented with PO Bonilla's BWC footage (**Board Review 01**), PO Thomas said that § 87(2)(b) was pushing backwards, so to gain control, he and Sgt. Casimir pushed § 87(2)(b) forward. Given that the officers were on the street, if § 87(2)(b) persisted in pushing the officers back, they would have gone further into the street. For everyone's safety, the officers had to maintain control of § 87(2)(b) and the scene. Pushing § 87(2)(b) forward towards his vehicle limited § 87(2)(b)'s movement.

§ 87(2)(g)

Officers may use physical force if it is reasonable to ensure the safety of a member of the service or a third person, or otherwise protect life, or when it is reasonable to place a person in custody or to prevent escape from custody. In all circumstances, any application or use of force must be reasonable under the circumstances. NYPD Patrol Guide, Procedure 221-01 (**Board Review 39**).

It is undisputed that PO Thomas and Sgt. Casimir pushed § 87(2)(b) towards his vehicle as they attempted to handcuff him. § 87(2)(g)

§ 87(2)(g)

Allegation (H) Force: At the 90th Precinct stationhouse, Police Officer Piotr Trusewicz used physical force against § 87(2)(b)

Allegation (I) Force: At the 90th Precinct stationhouse, Police Officer Keoto Peterson used physical force against § 87(2)(b)

Allegation (J) Force: At the 90th Precinct stationhouse, Police Officer Piotr Trusewicz used physical force against § 87(2)(b)

Allegation (K) Force: At the 90th Precinct stationhouse, Police Officer Keoto Peterson used physical force against § 87(2)(b)

Allegation (L) Force: At the 90th Precinct stationhouse, Police Officer Piotr Trusewicz used physical force against § 87(2)(b)

Allegation (M) Abuse of Authority: At the 90th Precinct stationhouse, Sergeant Ramil

Casimir refused to show the arrest warrant to § 87(2)(b).

§ 87(2)(b) testified that upon his arrival at the 90th Precinct stationhouse, he stood in front of the desk and asked the officers to show him the warrant. An officer § 87(2)(b) could not describe took down § 87(2)(b)'s information and looked into the warrant. The officer then gave Sgt. Casimir the warrant. § 87(2)(b) said he was not going to move until he saw the warrant. There were six to seven officers surrounding § 87(2)(b) telling him that he had to move. The officers told § 87(2)(b) that they were not going to show him anything and that he had to go inside the cell. § 87(2)(b) refused to move and dropped down to his knees. Four to five officers picked him up by his arms, legs, and handcuffs and lifted him into the cell room. When he got to the doorway to the room, his leg dropped so he grabbed onto the door frame. § 87(2)(b) said, "Please stop accosting me. I will freely move if you can show me this warrant." None of the officers showed the warrant to § 87(2)(b) and continued to drag him into the room. The officers pulled § 87(2)(b) past the doorframe and one of the officers, whom § 87(2)(b) could not describe, hit § 87(2)(b)'s leg with his hand so that § 87(2)(b) would release his foot, likely leading to the bruise on his ankle. Once in the holding cell room, the officers told § 87(2)(b) to have a seat. § 87(2)(b) told them that he was not going to sit until they provided him with the warrant. Five to six officers pushed § 87(2)(b) against a wall. § 87(2)(b) believed that the officers were trying to handcuff him to the pole by the wall. He did not recall which officers pushed him. § 87(2)(b) got a cut on his middle finger on his left hand as a result. § 87(2)(b) said, "Sir, I do not want to sit. I'd like to see the warrant." The officers pushed the chairs out of the way as they tried to push § 87(2)(b) down. § 87(2)(b) told the officers that he did not want to sit, so the officers handcuffed him to the pole in the room and left him there for the next hour. An officer who § 87(2)(b) could not describe told him that he was not allowed in the cell until he was calm. Sgt. Casimir presented § 87(2)(b) with his warrant from approximately four feet away from his face. § 87(2)(b) asked to see it because he could not read it from that distance, but Sgt. Casimir rejected his request and told him that he could read. When § 87(2)(b) was eventually placed into the cell, he was issued a summons which stated that he was § 87(2)(b). § 87(2)(b) was taken to Central Booking, where his summons was dismissed.

In BWC for PO Pfennig (**Board Review 09**), at 04:40, PO Pfennig escorts § 87(2)(b) inside the 90th Precinct stationhouse. At 05:05, PO Pfennig places his BWC on the front desk. PO Pfennig searches § 87(2)(b) as he tells the officers that he wants to see his warrant. At 07:56, § 87(2)(b) says he is not moving until he sees his warrant. At 08:14, Sgt. Casimir tells § 87(2)(b) he is going to go to the holding cell room. § 87(2)(b) says he is not going anywhere until he sees the warrant, and that the officers are going to have to, "Whip his ass." At 08:30, Sgt. Casimir orders the officers to bring § 87(2)(b) to the holding cells. PO Pfennig reattaches his BWC. § 87(2)(b) drops to the ground and says, "I want to see my warrant." PO Trusewicz grabs § 87(2)(b)'s left arm, while PO Peterson grabs his right arm, and the two officers lift § 87(2)(b) off the ground and carry him to the holding cell room, as he says he wants to see his warrant. At 08:44, § 87(2)(b) drops to the ground. PO Trusewicz holds both of § 87(2)(b)'s ankles, as PO Peterson holds § 87(2)(b)'s right arm, as the two officers carry him to a wall at the back of the holding cell room. At 08:55, PO Trusewicz, who holds § 87(2)(b)'s left arm and PO Peterson, who holds his right arm, lift § 87(2)(b) off the ground, as they try to sit him on the chair below him. § 87(2)(b) pushes his body forward, kicks his feet out, and remains standing, as he yells that he refuses to sit and wants to see his warrant. At 09:44, officers handcuff § 87(2)(b) to a rail at the back wall of the holding cell room and he remains standing. At 09:58, Sgt. Casimir walks towards § 87(2)(b) holding a copy of what appears to be an arrest warrant. § 87(2)(b) tells Sgt. Casimir to come closer because he cannot see. At 09:55, Sgt. Casimir walks closer to § 87(2)(b) and holds the warrant in front of his face. § 87(2)(b) says, "Who the fuck is that?" and asks what it is for. Sgt. Casimir says it is for

§ 87(2)(b). § 87(2)(b) says he received this ticket years ago and it was dismissed. Sgt. Casimir says, “Well, it’s still showing up.”

In PO Peterson’s BWC footage (**Board Review 13**), at 01:13, PO Trusewicz holds § 87(2)(b) s ankles and places them down on the floor. PO Trusewicz never hits § 87(2)(b) s leg and neither does any officer.

90th Precinct stationhouse footage (**Board Review 16**), which captures a side view of the front desk, is consistent with the BWC footage. At 54:49, § 87(2)(b) drops to his knees. The officers carry him towards the holding cell room, as he wraps his legs around PO Trusewicz.

90th Precinct stationhouse footage (**Board Review 19**), which captures the holding cell room, is consistent with the BWC footage. The relevant portions are captured between 55:00 and 56:34.

§ 87(2)(g)

Officers may use physical force if it is reasonable to ensure the safety of a member of the service or a third person, or otherwise protect life, or when it is reasonable to place a person in custody or to prevent escape from custody. In all circumstances, any application or use of force must be reasonable under the circumstances. NYPD Patrol Guide, Procedure 221-01 (**Board Review 39**).

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(4-b) § 87(2)(g)

Civilian and Officer CCRB Histories

- § 87(2)(b) [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- PO Trusewicz has been a member of service for 4 years and has been a subject in one CCRB complaint and four allegations, none of which were substantiated. § 87(2)(g) [REDACTED]
- PO Peterson has been a member of service for three years and has been a subject in one CCRB complaint and two allegations, none of which were substantiated. § 87(2)(g) [REDACTED]
- Sgt. Casimir has been a member of service for 11 years and has been a subject in 13 CCRB complaints and 23 allegations, none of which were substantiated. § 87(2)(g) [REDACTED]
- PO Thomas has been a member of service for five years and has been a subject in five CCRB complaints and 16 allegations, of which three were substantiated:
 - Case #201901595 involved a substantiated allegation of discourtesy (word) against PO Thomas. The Board recommended command level instructions and the NYPD imposed instructions.
 - Case #202101308 involved a substantiated allegation of failure to provide a business card against PO Thomas. The Board recommended Command Discipline A and the NYPD has not yet imposed discipline.
 - Case #202101518 involved a substantiated allegation of failure to provide a business card against PO Thomas. The Board recommended Command Discipline A and the NYPD has not yet imposed discipline. § 87(2)(g) [REDACTED]

Mediation, Civil, and Criminal Histories

- This complaint was not suitable for mediation.
- As of March 16, 2023, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this incident (**Board Review 41**).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)] [REDACTED]

Squad: 16

Investigator:	<u>Ariana Thomas</u>	<u>Inv. Ariana Thomas</u>	<u>06/08/2023</u>
	Signature	Print Title & Name	Date

Squad Leader:	<u>§ 87(2)(b) Yu</u>	<u>IM § 87(2)(b) Yu</u>	<u>06/09/2023</u>
	Signature	Print Title & Name	Date

Reviewer:	<u></u>	<u></u>	<u></u>
	Signature	Print Title & Name	Date